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# Regulating home: A case study

In this article, we draw on recent scholarship on home, property, and regulation to develop an idea of home as being co-constituted by, and through, three different types of regulation – regulation of the self, regulation of life, and regulation as enforcement. We demonstrate how a focus on the mundane in regulation, as opposed to the spectacular, impacts on the making and unmaking of home in this context. Rather than draw on traditional housing tenures to make our point, we seek to de-dramatise the relationship between home and tenure (ownership or renting) by drawing on a case study of a particular type of owned but precarious housing – those living in boats on a canal in England, subject to the regulatory requirement of being “continuous cruisers”. We demonstrate how these different forms of regulation affect their everyday lives around their homes, in quite visceral ways, and suggest that these effects are likely to be reflected in other tenures.

*Keywords: Home; Regulation; Canal; Boats*

## Introduction

In this article, we seek to add to the literature about home, and its un/making, by explicitly considering those ideas through the lens of regulation, an approach which appears to have been overlooked in much of the literature on the home (cf Burrell, 2014; Blandy *et al*, 2016; Blandy *et al*, 2018). We argue that the relationship between regulation, dwelling, and home provides a different lens through which a focal point of housing studies can be examined. There are gains to be made. For example, if we revisit the literature about ontological security from this perspective, we can see how the dwelling itself, and the home within it, are pockmarked by episodes of ontological insecurity. We use devices which provide guarantees against that insecurity (or risks) - like regulatory requirements for smoke and carbon monoxide alarms - which are often largely forgotten or ignored. Being “out of sight in plain view”, in the sense that they are not noticed (like those alarms), those devices become visible only at certain points (when the batteries in the alarm need replacing, or in the event of a cooking disaster or fire).

In demonstrating our argument, we draw on a study of the experiences of those households who continuously cruise and live on boats (“CCLs”) on one particular canal in England. We use this example for three reasons. First, we do so to de-dramatise the problem of tenure - they are both owners (they

own their boats) as well as being officially regarded as of no fixed abode. The legal device of tenure has tended to lead our understandings of the experience of home and aspirations (cf Easthope, 2014), whereas we seek to expand the terrain to other forms of non-conventional home. If the focus is on regulation, then tenure can facilitate and become a backdrop to cross-tenurial analysis. Further, assumptions about the exercise of control, exclusion, and their relationship with ownership, while breaking down in the literature, remain prevalent (see, for example, the critique by Blomley, 2016), so that understandings from non-conventional housing can facilitate a more reflexive appreciation of home untethered to conventional ideas about ownership or tenure.

Secondly, much of the literature on home focuses on settled housing, but the move to thinking about home making and unmaking, and a focus on the precariousness of much housing, requires further empirical exploration (see Baxter & Brickell, 2014; Carr *et al*, 2018). Canal boats, as our data suggests, are particularly precarious sites because of the requirement that they move a certain length per annum. The canal is regulated by its owner and manager: the Canal and River Trust (“CRT”). They have responsibility for the inland waterways. Specifically, they monitor and enforce the requirement that CCLs move the relevant distance (that they are continuous cruisers, in other words) and that Boaters keep to mooring time limits. They do this through employing people to patrol the canal with handheld devices monitoring the individual boat’s movement. They also collect the licence fee, and have responsibility for ensuring that the utilities are in service.

The CRT and its predecessor, British Waterways Board, have changed the per annum moving distance at different times, and this impacts on the curated experience of home. Presently, CCLs understood that they are required to move their boats around 20 miles per annum, in one direction, with movement every 14 days. That interpretation is contested, as it is based on legislative rules which are, at best, obscure (the boat must be “used bona fide for navigation ... without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances”). We argue that regulation co-constitutes our experience of home, often without us knowing because it is so imbricated in our daily lives; with CCLs, however, regulation has a visceral impact everyday on their home lives and is apparent in their actions and reactions. Re-interpretations of legislation (as occurred by the CRT in 2015) that are implemented through rules and guidance, and enforced, have material effects on their everyday lives. In the case of our sample, these forms of regulation shape the home, and its un/making.

That leads on to the third point. Regulation is a slippery word, and, as socio-legal academics, we are using it in three rather different ways, which also structure this article. First, we see what the governmentality scholars describe as regulation of the self – or ethopolitics – as self-evidently a

structuring device of the home. This form of regulation will be readily understood by readers of this journal. Canal and river boats can be endlessly personalised, not just through the external signwriting on them, but also on the inside (Bowles, 2017). They have their own personality. This is the part of the home that is not the apparent subject of overt external regulation, but the internal space and the mechanics of the boat provide their own subtle forms of regulation, which we see as a type of regulation of the self. The CRT and government do not prescribe the boundaries of the freedom to personalise them; for example, they were not required to have smoke and carbon monoxide detectors (this was made a requirement from April 2019: BSS, 2018), although they did because, in fact, the risk of fire and CO poisoning on a boat is so high. Most fires and CO deaths are caused by solid fuel stoves which heat the boats. Nevertheless, we demonstrate how externalised regulation interacts with this kind of regulation.

Next, we see regulation in biopolitical terms, as seeking to give life and security to the population of CCLs. The CRT do this through the provision of utilities and moorings on the canal; although, as our data demonstrates, the suggested failures of the CRT to provide and maintain these resources created tensions and assumptions that the CRT wanted to sedentarise CCLs. In other words, the failure of this kind of regulation put CCLs' homes and their connected way of life in jeopardy.

Finally, we see regulation as involving enforcement. The tendency in the literature has been to focus on the final act of enforcement – in sedentary housing, this is possession and its aftermath. We focus on the mostly unseen, mundane act, which is the first step of enforcement – the preformatted, electronic notification by the CRT to a CCL that they have overstayed. It is the equivalent of an informal note from a landlord that they want the rented property back (before any formal notice is served). We focus on this event, as opposed to the spectacular because it is far more prevalent an occurrence than the final act; and, it emphasises the precariousness of home as well as the sedentarising effects of early enforcement practices.

The first stage in our argument is a discussion of home, property, and regulation from a socio-legal perspective to frame our subsequent discussion. After discussing our research method, we turn to the three different forms of regulation we have identified, demonstrating the interactions between CCLs, their boats, and regulation, and how that co-constitution has particular effects. While CCLs are a unique subject in the home literature (although see Bowles, 2015), nevertheless their tribulations and crisis points demonstrate wider issues that have not received the attention they deserve in the literature. We reflect on this consideration in the conclusion.

## Home, property, regulation: A socio-legal perspective

Our approach in this article is inflected by three different intersecting literatures: the meanings of home and housing; the turn to materiality in housing studies; and the socio-legal canon. The first two of these literatures will be well-known to readers of this journal (Jacobs & Smith, 2008; Jacobs & Gabriel, 2013). It is now commonplace to observe that home is both a production and a process, that is continuously in action and spatially porous, and co-produced through various objects or technologies: “Home is not simply the cultivation of a sense of belonging, nor merely a site of consumption, it is quite literally a fabric-ation” (Jacobs & Smith, 2008: 516). Rose’s study of photographs (1993), Hurdley’s of mantelpieces (2006), and Miller’s study of kitchens (1988) all provide examples of the ways in which the meaning and relationality of objects impact on identities, as well as those objects having their own identities. Jacobs and Malpas (2013: 286) helpfully suggest that such objects can be seen as polysemic or multivalent, “as generating a multiplicity of meanings and effects”.

Where this literature has been concerned with issues about regulation, it has done so through the prism of “ethopolitics”. The kinds of engagements to which this focus leads, however, is with acts of the self, a kind of Foucauldian engagement with responsabilisation, concerned with “the art of responsible citizenship and ethical living” (Smith, 2008: 522). In this vein, Smith (2008: 525) weaves a hybrid of materials and money around the home, drawing attention to the urge in her data to attend “to the materiality of all this – to the technologies and practicalities of regulation which distinguish owners from, and advantage them relative to, renters”. It becomes apparent subsequently that Smith is viewing regulation as consonant with technologies of governance, the kinds of matter which (for example) influence interior design (eg Jacobs & Cairns, 2008).

Without taking anything away from this emergent literature, which has been both valuable and productive, we use regulation here in two further, narrower, perspectives, as a material actant in its own right. If we take Foucault’s indictment that we have yet to cut off the King’s head at face value, and recognise that the sovereignty-discipline-government triangle retains a place for the juridical, then there remains an analytical role for this narrow form. Indeed, even if Foucault’s version of the juridical can be characterised as “a pre-modern harbinger of absolutism” (Hunt & Wickham, 1994: 59), that has given way to a recognition that there are “new forms of disciplinary power [that] have already or can potentially become subject to processes of legal rights and legal regulation” (id, 62). So, for example, Cowan et al (2018) demonstrate the material effects of the lease in the propagation of shared ownership as a device. As that example of the lease suggests, regulation does not need to be state-centric – indeed, the regulatory body with which we are concerned in this article is the CRT, a

charitable organisation (albeit one which was produced by the act of the state in disbanding its predecessor).

We see regulation in this sense as having two further related facets: one that is positive in that it facilitates life and security through the provision of the kinds of utilities which Putnam (1999: 144) describes as the “home life support system”. The other facet is negative, as it seeks to deter those who are risky from interfering with life and security (for example, by entry on a so-called “rogue landlord” database, or applying a penalty such as rent repayment)(on deterrence and exclusion, see, for example, Atkinson & Blandy, 2017). It is the latter which is usually defined through legal mechanisms, although (as the smoke and carbon monoxide example illustrates) that is not always the case.

From this perspective, we see regulation as intimately related, and in many cases co-constituted, with the “stuff” that we have around us that makes up home – be that a sofa with a fire safety tag through to a kitchen replaced as a result of the application of the Decent Homes Standard. Our home must accommodate regulation, just as regulation must accommodate the home – both are processes which are constantly engaged and updated (Miller, 2010: 96; see, for an example, electrical safety in the home – MHCLG, 2018). Our home must also accommodate the need for repair and maintenance when things go wrong or “on strike”, the bodged job, the learning adaptation and improvisation which goes on all around us, and which, we argue, constitutes home (Graham & Thrift, 2007; Johnson, 1998). This perspective adds further context to the idea of home as a process, one which is affected by various externalities which also frame it (Callon, 1998).

The recognition of the significance and theoretical purchase of the concept of home making, and its obverse, home unmaking (Baxter & Brickell, 2014) have an intimate relation to regulation. For example, Nowicki (2018) uses the bedroom tax, a destructive regulation, to develop an argument for the relation between critical geographies of home and housing, and the effects of the rhetorical unmaking of home. Critical geographers have long recognised the porosity of home (Massey, 1992), one which extends beyond the dwelling and is “also an idea and an imaginary that is imbued with feelings” (Blunt & Dowling, 2006: 2). Canal boats offer a particularly potent example of these notions, because they are intimately related to their outside space (the canal and nature), such that the apparent binary between the making and unmaking of home is made fluid.

Our approach is “socio-legal”, an interdisciplinary framing, but avowedly not one which privileges the legal; rather, the legal is just one of the strands that weaves together everyday life (Ewick & Silbey, 1998). The focus is often on the material in everyday life (Cloatre, 2012; Cloatre & Cowan, 2018) as well as the ways in which people make use of it in their own narratives (Silbey & Ewick, 2003). It is

important that “the legal” is not equated solely with the letter of the law – rather, we think of it as “... the meanings, sources of authority, and cultural practices that are commonly recognized as legal, regardless of who employs them or for whatever ends” (Ewick & Silbey, 1998: 22). Legality may not be present or even apparent, as more often than not it is blackboxed, and ignored (Mezey, 2001; Miller, 1988: 365). It only becomes apparent in the spectacular moments in which an apparently sovereign force is asserted (most vividly, see Foucault, 1977); but, of significance to our approach, this legality underpins the “home support life system”.

A further source is emerging socio-legal theories of property, which develops insights from legal geography and belonging, and has recognised the intimate relationship between regulation, belongings, property, and the home. It recognises the porosity of the spaces of property – too often legal research has focused on property as exclusion and exclusive, whereas this scholarship challenges that simplistic proposition through understanding property and space as relational and socially constructed (Blomley 2016; Thorpe, 2018). It seeks to develop the relation between security and identity (Radin, 1993), through an appreciation of the way in which property is produced as much through social norms and rules (Cooper, 2007; Keenan, 2015: 70-7) as other sources. Enduring property theorists have similarly recognised the mutual constitution of property, regulation, and draw attention to the “the impossibility of separating a place, the law that governs and applies to it, and the parties who use it and hold property rights in it” (Blandy et al, 2018: 89). Further, they recognise that property relations are constructed beyond legal instruments, to include “self-generating norms” and “social custom” (96; drawing on Singer, 2009).

The lessons we take from this peripatetic disciplinary base is that the interdisciplinary study of home, its making and unmaking, should be inflected by, and recognise, its mutual constitution with regulation in its broad sense. Regulation provides an explanans, a historically and spatially contingent contextual variable, and an actor which influences and impacts on the everyday lives of homes and dwellings. Oddly, it has been ignored by much of the home/housing literature, but one can see its background effects in empirical and conceptual studies of crystallising events, such as mortgage possession (compare, for example, Ford et al, 2001; Fox, 2006; Bright, 2011).

## Research methods

Between June and December 2018, we conducted 24 semi-structured recorded interviews with 30 CCL participants, 12 of whom were male and 18 female. The interviews were designed around two themes, home and regulation. In the research design phase, we understood these to be separate

issues, as suggested by the literature, but it quickly became apparent that they were intimately related, and that regulation intruded on the home such that they were indissoluble. This was partly because the threat of regulatory enforcement measures (from an intrusive e-mail through to the spectacular sovereign act of removing the boat from the waterway) marked a permanent feature of our participants' everyday lives, so that home was always in the making/unmaking.

Our participants had been CCLs for between eight months and 18 years, the average being around six years. They ranged in age from their mid-20s to mid-60s, and had various occupations, most of which were part-time. Seven participants were retired, although three of those participants were still working, but in different capacities. Five participants disclosed previous mental ill-health difficulties, and two participants (living with their partners as CCLs) had mobility difficulties sufficient to require use of a wheelchair. Five households had children living with them, four of which were school age, and one further household had a child who had recently left the boat. This spread of household types and formation raised a range of issues relating to the requirement for continuous movement and issues relating to certain types and locations of moorings (for example, on a hard standing or near to schools). There was also a clear suggestion about movements between different forms of precarious housing (Travellers, private renters, returners from abroad), suggesting a porosity between these forms of insecure housing. Becoming a CCL was regarded as a movement towards more secure housing, a belief that was dashed by the harshness of life on the canal both from the environment as well as regulation.

Our participants were using one particular canal, which was outside London and in heavy use. We decided not to use a London canal because of the specificity of the London housing market and its overflow onto the canals. Each canal was said (by our participants and others) to have a particular way of being or culture. Our selected canal, because it was heavily used and located around certain tourist destinations, had particular issues caused by a growth in its population over the last 10 or so years.

While CCLs may be cliquey or sociable, many were also private for various reasons. Some chose life on the cut as an escape, or as a form of treatment for illness. We accessed our sample in various ways – snowball sampling, Facebook message, leafleting, and (most successfully) through a particular grouping which had a newsletter. Most participants had tertiary level education, and/or had been in white or blue collar work; work patterns and choices were generally calculated around their lives on the boat. One of our participants had been issued with a possession notice (known as a “section 8”) and one had their licence conditions changed; but, about two thirds had experienced some other form



of enforcement action by the CRT, from the occasional e-mail indicating that the CRT believed that they were overstaying at a particular stopping point, or had not travelled far enough.

In no sense can our participants be said to be “representative” of CCLs, and nor was it our intention to provide some form of quantitative or purposive sampling frame. However, our sample of participants has enabled us, unexpectedly, to reflect on the mutually constitutive relationship between home and regulation. While our method of data analysis was thematic, it was apparent that using the themes of “home” and “regulation” separately presented a kind of problematic in its own right. In part, that was because the home/regulation relationship appeared to infuse life “on the cut” (a colloquialism for the canal), just as it probably does in all forms of precarious housing in which there is some form of regulatory oversight (see, for example, the study of emergency shelters for homeless people: Ranasinghe, 2017). One might expect not dissimilar relationships, for example, in the regulation of homeless people’s belongings, or in people living in vans, or people living in park homes, where households are transient and insecure. However, that is at the level of hypothesis for further study, to which attention is drawn in the concluding discussion.

## Regulation of the self

Most of the CCL participants had bought their boats for one or more of three reasons: because it was a natural development of their housing histories (eg as Travellers); as a resort from more precarious and expensive forms of private renting; or because they were attracted by the more self-sufficient lifestyle and away from a materialistic culture. What bound together most participants, however, was that they owned their boats, paying between £7,000-£25,000, and that sense of ownership was important to them. In this sense, they spoke as “owners” with similar value systems and rationales, and not dissimilar hierarchies (CCLs at the top, then, in rough order: those with moorings, those in marinas, with weekenders and hire boaters at the bottom), and with the now-familiar tropes about ownership and renting:

... being able to own my house because I obviously, I can't afford to buy a house. A lot of people my age can't, so that was appealing to be able to own something and then my money that comes in is mine. I can save or do whatever, not be tied down to expensive rents was another thing that I found appealing. (Kate)

Then it was kind of like I'd like a little bit more social legitimacy, and I'd like to continue owning my own home, and I liked the idea that if I'm not happy where I'm living I don't have to move out of the place I'm living; I can take my home with me. So a boat seemed like a good way to

go for that, and to afford something of this size and quality, then it had to be just an empty shell with windows, and that's where it started. (Rob)

Here, we draw attention to three ways in which home was made as a result of this emphasis on ownership, which implied a sense of control over the space: the boat's personality; the porousness of the internal/external space; and the significance of artefacts, or as Miller (2010) describes, stuff. While these are part and parcel of a kind of regulation of the self, we also develop an empirically informed argument that they are just as affected by external forms of third party regulation.

### Personality

Boats are endlessly modifiable, although modifications must not affect the boat's ability to obtain its safety certificate (a prerequisite for a boat licence). Nearly all the CCLs to whom we spoke had modified their boat in some way, personalising it, changing its internal layout, adding essentials like solar panels. Modification was regarded as a particularly important part of life on the boat as opposed to settled housing "where you get rows of the same thing" (Thea). Louise explained that her boat had "character":

When you're cruising, you can hear the engine humming and then when you slightly nudge it and the engine changes, it goes from a duga-duga-duga-duga-duga sound into a smoother rhythm. You think oh, that's your happy speed, isn't it? I think they do have a bit of personality. I'm not massively into anthropomorphism. ... But, yes, I think they do have a bit of soul in them. My mum's got a boat and it's very, very different.

The particular peccadillo of a boat – for example, one side being lower than the other – was regarded not as an imperfection, but as an example of its personality. Boats require continuous maintenance, thought, and servicing, which were developed as skills by our participants as their lives became entwined with the boat. So, for example, Clare explained how she, her partner, and the boat were kin:

The front end, the boat always looks like it's listing, but when it was in dry dock we were all still standing there looking at it sideways going, 'Something looks wrong'. I think he was drunk when he built that side, the right-hand side because it's one-and-a-half inches lower than this side, ... but, apart from that, she's had a few engine problems, but she does behave, and she does try and she's 50-years-old, so she deserves some respect. I have a lot of warmth towards it because I just love her to bits. ... It's not everyone's cup of tea, but it's my cup of tea. It suits me and [my partner], and we always keep saying oh we're going to strip her all out and we're going to redo her up, and we just go actually, at the moment, she's quite happy as she is, so

that's the sort of physical bit. Yes, she does make me happy because, yes, she has her quirks, but then [my partner] and I have loads of quirks, so we all sort of fit in together.

Boats also need a considerable amount of maintenance, care and attention to keep them running. A particularly satisfying aspect of boat life was said to be the sense of community it inspired, assisting each other with their maintenance issues. Learning self-maintenance was part and parcel of becoming at one with one's boat, in part because of the difficulty of getting the boat into a dockyard together with the cost. External regulation affected maintenance, for the compulsion to keep the boat in working order was as much due to the regulatory requirement of movement as it was a question of maintenance. Joanne, a CCL with a child, was in this predicament. Her engine's alternator had broken down, and she was concerned about the family's safety if she tried to start it up, especially as she subsequently discovered that she had a "knackered diesel tank". She tried to get the boat into a yard, but they were full:

They bounced us on to a guy who we know [...] who was meant to be looking at something else for us last week, ... He's just booked up. In the end, I think that's why you find a lot of boaters tend to be quite practical. Even if they've got the money, it's actually just sometimes waiting a month or just doing it yourself, especially if you are a CC, so you have the pressure from the CRT to get moving and, from what I've heard, I haven't tried it myself yet - this is our first breakdown - I've heard that the whole actually we're on a waiting list just doesn't cut any ice, so it's difficult.

The CRT had put Joanne on a six month licence because her cruising pattern had been so affected by the historic maintenance issues she had with the boat. That meant that her very existence as a CCL was the subject of some doubt. As she put it, "I'm a bit more on the line" because of the breakdown. Although the CRT could be empathetic with breakdowns, experience was variable, and Joanne was phlegmatic about it, recognising that she was more concerned about safety than the CRT's concern about movement.

### Inside/outside

One of the chief attractions about living on boats, we were told, was being close to nature. When we interviewed Charlie and Mo, Mo expressed this kind of inside/outside feel as, "Obviously, I love being outdoors and, as Charlie's fond of saying, we've got the biggest garden in the country and we don't have to mow it or weed it." The "garden" was a wildlife haven, of kestrels and kites, otters and stoats, voles and glow-worms. And, that "garden", or the outside, was constantly changing. One of the common points of reference across our sample was that they had become CCLs precisely because they wanted to move, to change their environment, such that home was being made and unmade as and

when they wanted. Many of our participants connected this movement to something innate in them, whether as part of their early years or something natural; and others had previously been moving around, whether it was travelling abroad or with other Travellers. However, what bound them together was a desire to travel. As Rosie put it, "... even in the worst times, I don't think I'd swap it for anything"; and Shirley said "We get itchy feet if we end up staying anywhere too long".

Yet, that desire for movement was strongly related to the regulation of moving by the CRT, which made moving a bittersweet thing. One can see this regulation of desire, so to speak, implicated in Nicky and Pip's descriptions of their desire to move:

[Y]ou'd miss out on loads [if you were in a mooring] I think. You're a moveable feast, that's what's so great about it, I think that's all part of the fun of it, finding your home somewhere else and enjoying different communities and stuff. As much as I hate having being told to move, I did come up to here because of that and actually, do you know what, you find yourself here and go, 'This is lovely, this is new, this is different, I haven't been here before, isn't it a lovely common', and all the rest of it. (Nicky)

I just love the moving. .... I suppose that's different from having to. I think the having to do it, because you feel like a bit on the clock or the fact that you are being watched is a bit of a different thing, but, also, I do move, and I do generally stick to the rules. (Pip)

A second inside/outside aspect related to mud (such that the outside was often inside). Mud was seen as an important actor because it affected everyday lives during the winter, because of the state of the towpath. As Jack put it, "You end up walking through about four or five inches of mud and it's just miserable, particularly if you're carrying something heavy". Mud made certain types of flooring impractical, and, because bathing was a luxury (due to the amount of water required), set CCL households apart:

The mud is relentless, it's awful. It's the worst thing about living on a boat for me and a lot of people, the mud. ... You're covered in it all the time and your boat is covered in it and there's no judging. If you go to the pub covered in mud, you're a boater and you're just covered in mud. My mum has accepted the fact that her grandson is just always muddy and always got black feet and that's just our life. You can only bath them once a week, if that. I do it before nursery every week, so I don't look like a bad mum! But I don't care most of the time, you know. (Kate)

The final inside/outside aspect links with, and offers a critique of, the fetishisation of the central attribute of property as exclusion. That is to say, there were blurry lines between the outside and the

inside. A significant part of canal life is the community which exists between CCLs, which led to them using the towpath for informal parties, musical gatherings, and seemingly ubiquitous barbecues. The internet is a key resource which binds the community (especially during winter months) and provides information. All of this demonstrates the porosity of the dwelling in this context. CCLs often travel together, sharing resources and knowledge, but often as fluctuating groups. Joanne, who travelled with other families with children, referred to her group as a “floating shanty town”, and she went on

It's nice moving as a group, really nice. We could have parties. I suppose it builds your space ultimately. I hadn't thought about it like that, but you can hop between boats and go for a cuppa, so you are living in a tube whereas if you buddy-up and move together.

There was a contrast between this intentional activity, and the intrusive activity of passers by, looking in (known by some as “gongoozlers” or “muggles”), some of whom invaded CCL space by getting on boats without permission to look around. Although the latter was (obviously) seen as offensive, the former was seen as an amusing activity from which one could shut oneself away by shutting curtains; but, sometimes, gongoozlers could be rude, which reflected on their home. As Rosie said:

... and gongoozlers, sometimes you do get people being really nosey, you know, you're sat on your boat and you hear, “Oh, I don't like this boat”, or, “I like this boat”, and you hear all the little comments and stuff, which is quite funny. Some people are a bit more nosey than others, you know? ... People, I guess, don't realise that this is somebody's home, you know? It's their pride and joy.

## Stuff

Equally important were the choices about internal furnishings and fixtures, and the stuff that was brought on to the boat. Indeed, the space inside the boat regulated the amount and type of stuff that one could take on to it, and made it “a fundamentally less materialistic way of living” (Joanne). Nevertheless, as Janet put it, “I think once you move your stuff in that's what makes it feel like your own, isn't it?”.

We were taken on tours of boats, with explanations about from where things (particularly kitchens and bathrooms) had been sourced, and generally ingenious solutions for showers, wardrobes, and doors. Jude took us on a tour of her boat which she shared with her partner and children. In her bedroom, she said, “We find that you do it and then you go, oh no, this isn't right, we've got to change it or the room isn't working. So, yes, finally, and clothes are a pain in the arse thing in the world! [they get damp and mouldy next to the water tank] ... So we've learned a lot. It's a work in progress often and this [a high pole on which clothes were hung] is the answer”.

As there is insufficient space on a boat, choices had to be made about what to keep. Andi, who sold her grandmother's piano ("the hardest thing to get rid of"), explained:

You can't let things hold you back. I got rid of so much stuff and that actually made me feel sick the amount of stuff that I had. The amount of money I wasted on stuff and I think that was definitely one of the things I learned when I moved on to the boat is actually happiness doesn't come from what you want. Happiness is what you get from having what you need.

Yet, there was also a recognition that some stuff was both essential and under threat. So, for example, Philip noted how CO and smoke alarms were essential devices on a boat:

I have a CO alarm and a smoke alarm, and it's not because it's a fashionable thing to have. People's lives depend on these things, and people die if they don't have them. It's a very real situation. ... If something catches fire ... in a steel boat you get about 90 seconds to get out of the boat or you're incinerated. It is very straightforward. If you are asleep normally you don't get out, so safety is everything, and you don't get that same sense in a house.

The other essential item on a boat was the heating device, usually a wood burner (which, in turn, made the CO alarm essential), which was generally regarded as making the inside of the boat a cosy space in the Winter months. Here again, though, there was a sense in which the overflow of regulation was going to impact on the CCLs' lives – whether that be a ban on the use of fossil fuels ("a big issue for boaters if that goes through": Molly), air quality control regulations affecting the use of wet wood in the burner, or forthcoming regulation against the use of "red" diesel (which powered most engines). As with Bowles (2015: ch 5), our participants reflected on their contradictory relationship with nature. Clare noted the irony between, on the one hand, CCLs desire to be closer to nature and embracing environmentally conscious lifestyle, while using these kinds of materials:

People think if you come on a boat you're going to be really green and off-grid. You might be off-grid because you've got solar panels, but you use your engine because in the wintertime they're not going to give you enough to carry your boat on, so you are using the fuel, using your diesel, generator could be petrol, you are using coal or wood.

## Regulation of life

In this section, we deal with two important considerations which make life on the canal possible – utilities and moorings. The essential context for our discussion is the regulatory requirement that CCLs must move their boats more than around 20 miles per annum in one direction. The interaction

between life needs and movement requirements animated discussion on the cut, because what were felt to be CRT failures of repair and maintenance were effectively forcing them off the canal.

## Utilities

Although it perhaps sounds exaggerated, regulation of housing consistently exercises power over life in the sense that its design is to preserve life. Regulation also affects that which is not seen or even visible, like drains, electricity circuits, water quality, etc; it creates the conditions through which modern life becomes possible. Such regulation does not apply to boats. However, CRT's requirement of movement a certain minimum distance was made possible by the provision by them of "utilities" by the side of the canal, like water taps, rubbish bins, and effluent disposal devices. Canal boats hold enough water for a certain period, rubbish needs to be disposed, toilets (other than composting versions) need emptying – and so their provision by the CRT tames the canal into a liveable entity. For example, Kate's boat, which had a small water tank, meant that "we are dictated by our water for sure".

The CRT provided these services at various points along the waterways network, in return for the licence fee. As we discovered, though, the requirement of movement was also constrained by a perceived failure to maintain or provide sufficient facilities leading to CCLs' observation that they were effectively being forced off the cut. Further, our particular canal was regarded by our interviewees as the "worst provisioned" of the inland waterways: "I mean, I pay my Waterways licence like everyone else, and you expect to be able to get rid of your rubbish and to empty your toilet, such things" (Rob). The problem with the lack of provision was that it affected cruising patterns:

[T]here are stretches along the [canal] where you have to go quite some distance between water points, so if one of those is defunct, then you could potentially be a bit stuffed especially if you're not willing to drive at night or something like that and you desperately need to get water. (Mo)

Our participants spent much time during our interviews discussing toilets, the type of which was a matter of considerable controversy, because cruising patterns were affected both by the type and whether the relevant cleansing service was both available and operational. For example, "pump out" toilets (with a kind of septic tank in their boat) generally went longer before needing to be expunged. However, the pump out devices were notoriously unreliable, expensive, and required flimsy cards which quickly became unreadable:

The one at [X] was broken and then you were moored at [Y] and you'd cruise to [X] to go and do your pump out and it's broken, you've got to then cruise to [Z]. You're talking a good day's

cruising to go and empty the toilet and then you're at the wrong end of the canal and then your cruising pattern changes or you just suck it up and go back again the next day and it takes up the whole weekend just to empty your toilet. (Kate)

... it just drives me nuts, you get to a place ready for a pump out and when you need to pump out, you need to pump out, do you know what I mean? Then it's broken and then you have to wait for like five days before they fix it. (Nicky)

The other system relied on cartridges, which are removed from below the toilet and taken to an Elsan point. Most CCLs we interviewed had this system, and had two or three cartridges. They put the full cartridge on the back of their bicycle or car boot to an Elsan point. Here again, though, for those without cars, the number and range of Elsan points, determined cruising pattern because of the weight of full cartridges: "there is a shocking lack of Elsan points along the - especially this bit of the canal. ... They get blocked quite often and people shove wet wipes down them and all sorts of nonsense" (Louise).

## Moorings

Moorings were a particular issue on the canal where we conducted our research. Moorings make cruising possible in the sense that they provide stopping places for social and life activities, like rest and eating. There were few hardstanding moorings, and most CCLs had to use pins to tether their boat to the bank. The pin method was problematic because of the condition of the river banks, which was said to be poor as it was not the CRT's focus of any repairs or dredging:

The conditions of the banks, even in the two or three years that we've been here, they've deteriorated immensely. When they repair them, they tend to repair them - they repair the footpaths a lot, don't they, because of the cyclists and the walkers, they repair the banks underneath because of the water voles but they don't repair the banks for boaters. There's still nowhere to put your pins in or anything, so it's getting a bit - it's quite an issue at the minute. It's what everybody talks about, isn't it? (Sue)

As pinning required CCLs to use a plank to walk from the boat to the canalside, it was clearly inappropriate for wheelchair users. Wheelchair participants in our study began to use the language of "rights" and "equality" to justify claims to use hardstanding moorings. Shirley, whose partner (Ron) was a wheelchair user, who had experience of health and safety in her employment, explained that she sat down with the Equality Act 2010, and



... picked up on the key words and I wrote a letter to the [CRT], not mentioning the Equality Act but using lots of the key words. Talking about reasonable adjustments, especially. ... If we had to moor, even five yards down that way, he wouldn't be able to get his scooter on and off because the bank is so wobbly and wild, we can't get the boat close enough and Ron's not steady enough on his feet to be able to use a plank, even to walk on to the boat.

Some moorings are meant only for a limited period, usually 48 hours. Signposts told CCLs how long they could stay, and the (never enforced) financial penalties for overstaying. The depth of feeling about the lack of maintenance and problematic use of restricted moorings was captured in this creatively defaced signpost:



The careful use of square stickers obscured the 48 hour free mooring restriction, leaving visible “our free mooring”; the rest of the sign had carefully placed stickers defacing the CRT name. The depth of feeling caused by the lack of mooring spaces tied in with the CCLs’ sense that they were effectively being forced off the canal; and into marinas or permanent moorings (which were so sought after for the Winter months that they were being auctioned off), from which CRT were believed to obtain greater profit. Consequently, it tied in with the sense of insecurity they felt about the effects of regulation on their way of life and their homes. They wanted to move their boats, but felt that they were being sedentarised through the CRT maintenance failures

## Regulation as enforcement

The technique of the licence has been used to regulate the most risky accommodation in England (Cowan, 2011). However, the technique of the licence has been used well-beyond that limited sphere, and for some considerable time. Valverde (2006: 149) observes that the humble technique of the licence is “... a key and yet hitherto unrecognized brilliant intervention in the history of the governance of order and disorder”, and one which functions efficiently in a variety of diverse contexts. In the relatively sedate spaces of the canal, the licence is the regulatory technique through which continuous cruising is not just encouraged but also enforced.

In this section, we focus not on the spectacular, sovereign acts of court orders authorising the removal of boats from canal, but, in tune with interdisciplinary socio-legal approaches, on the mundane, everyday acts and resistances. It is here that we suggest that iterations of home are produced, largely through fear of consequences, producing a sense of insecurity in the home; beyond that sense of insecurity, though, regulation actively and overtly became part of the constitution of the home in the making/unmaking (both through the movement requirement and the threat of further action). An electronic communication from the CRT – which is our focus here – telling a CCL that their boat has not moved far enough was the first step in the CRT’s enforcement pyramid (Ayres & Braithwaite, 1992).

Such intrusions have their parallel in the everyday acts of private landlords, for example, exercising passively their threat of eviction structurally producing housing precarity. This is the point made by Burrell (2014: 157), which equally can be transposed to the everyday lives of CCLs: “Precarity is also an interesting tool for considering homemaking and *un*making processes, underlining the continual unfinished business of creating a secure and satisfactory home space faced by so many, and broadening understandings of how people make homes to recognize the overwhelming power which larger structural forces wield within the domestic realm”. In the CCL context, these larger structural forces were the CRT’s contested interpretations of the required movement distance every fortnight,

and their “robotic” enforcement. The dramatic effects of overstaying were emphasised by our participants:

Three overstays mean that they can look at your licence, that you could be put on a six-month licence. You could be made to go further. Oh my God, this is what annoys me! (Clare)

CRT as a whole, they are really not fluffy at all. Since they took over it went from being a piece of paper that was posted onto your window saying, 'Patrol Notice. You've overstayed. We could charge you this much money', to being everyone walking around with tablets, and they'll walk around and they'll take the number of your boat and they'll geolocate you wherever you go constantly. So it's like you've been bar coded, and you're followed around pillar to post. Then you go to buy your licence at the end of the year, or whenever it is that your licence is up, and they're like, 'No, we're only going to give you a six-month licence because we've viewed that you've not moved far enough.' Then if that's not enough, then the next time you can have a three month licence, and then it'll be a month-by-month licence, and then they will refuse to issue you a licence. (Rob)

It should be stressed that what was in issue was not the CCLs' desire to move – all of our sample wanted to cruise continuously, although some were unable to do so; in other words, they embraced the external making/unmaking of home – but what was in issue was the effect of regulation on that desire. As Wendy put it:

if there's not that safety and security, then it's no longer really a home that's working for you, and if it becomes precarious because you have to move, or you're losing your connections, then that's going to have an impact on your mental health, then if it has an impact on your mental health, then it has an impact on your life, and things start to dissolve.

On a certain day each week, a CRT employee or volunteer walked along the canal, taking down the licence numbers of all boats. That was the signal for what Rich described as “Hermit Crab day”, to describe the enforced movement of nearly all boats. CCLs had various strategies for overstaying at certain points through creative engagement with the rules, but the force of the electronic communications had particular effects. As Joanne put it:

It's the powerlessness, isn't it? I think at least, even with all this stuff with the CRT and all the rules, you still have reclaimed a little bit more control of your life, a little bit, yes. I'm not sure it will carry on though. I think it's probably a closing loop myself, so long-term we're wondering what we're going to do because I can't see this situation carrying on for too much longer. ... The CRT, I believe, want to get to the point where basically everyone has a home mooring.

That makes it easier for them to manage, and it makes it easier for them to I suppose just regulate the entire thing. ... I think it will become harder and harder, so we know people who've been CC'ing for 30 years and they say just the last few years have become really hard.

This feeling of enforced sedentarisation was particularly strong as a result of the CRT rule changes in 2015, which simplified the rules and made them the subject of greater enforcement. That change of rules created considerable anxiety in itself, causing mental health issues; and led Thea to remark on the irony of the CRT's re-branding as a well-being charity:

... they've made people's lives an absolute misery, and what really gets me is they are presenting themselves now - if you look at their new website, which has got a new logo and a press release about they are launching themselves as a well-being organisation - they are absolutely destroying the well-being of people who live on boats. They should be ashamed of themselves ...

The pressure particularly affected households with school age children, as there was no policy that enabled them to stay near schools during term time and cruise during vacations. Most of our participants with children had moved, or were about to move, from home schooling to state schools. Our CCL participants spoke of their children's boater friends leaving the waterways because they could not cope with the travel and school terms.

## Conclusions

In this article, we have argued that the literature about the making and unmaking of home has not given sufficient thought or attention to the significant impact of regulation. We have drawn on a case study of the regulation of continuous cruisers on canals to emphasise this point, because the overt and apparent effects of regulation on this group calls in to question the homes they have, and want to have, while simultaneously appearing implicitly to move CCLs into a more sedentarised lifestyle. Our study of canal life exposes tensions and paradoxes between nature and environmentalism, on the one hand, and the demands of the natural environment (like mud) as well as the use of problematic fuel; the need for privacy and being "on show"; an anti-materialism while at the same time a reification of certain materials; a desire for independence and autonomy against the monitoring and oversight of the CRT.

We regard this as a case study with implications beyond the confines of the waterways. Most often, the effects of regulation are part of the iteration of the home, but are commonly ignored until, perhaps, certain crisis moments appear – the mortgage possession letter, the landlord's notice seeking possession – which are part of the mundane, everyday effects of life in various forms of precarious

housing, or housing that becomes precarious due to external circumstances. This thesis reflects recent advances in socio-legal studies and property theory, and a recognition that the so-called domestic fortress is now, for many, a home made of straw.

For CCLs, regulation is imbricated into their routines and practices, and regularly the subject of discussion. It is open and apparent. It facilitates their lives, through the provision of resources that make life possible, stopping places, without which their lives would be impossible. Their close relations as housing forms are Travellers, park home residents (who own the building, and rent the land) and van dwellers (who own the van, and park it on a public highway). Consider, for example, the Traveller site that cannot function properly without (say) refuse collection. These housing forms are all contingent on different forms of regulation, whether that be mandated by the state or private organisations, and often subject to private forms of enforcement including through “new” technologies.

That regulation is in various forms of iteration, and contingent in itself, as it takes different forms at different times apparently dependent on external factors and organisational expediency. The change in CRT regulation in 2015 can be seen as providing a spontaneous domino-like chain – the re-interpretation of obscure legislation by the CRT produced a relatively simple regulatory schema of required movement, which then made enforcement practices easier. A further example emphasises this regulatory contingency of precarious spaces: in Bristol, in late 2018, the local council published a new policy on people living in vans, which will impact on stopping places for vans and indirectly affect Travelling communities.

Equally, we should be alive to the possibilities of new technologies as handmaidens of regulation. CRT enforcement practices were made easier by the use of handheld devices by their employees, which facilitated electronic monitoring and enforcement. Not dissimilar practices are used by large landlords in dealing with (say) rent arrears, or mortgage lenders in dealing with arrears, through the use of IT systems with pre-formatted letters and prompts for when each stage of letter should be sent. A focus on regulation as enforcement opens up such a focus on the contingency of housing rights; and, how apparently secure housing is always at risk and open to robotic enforcement practices.

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